

KRANTZ & BERMAN LLP

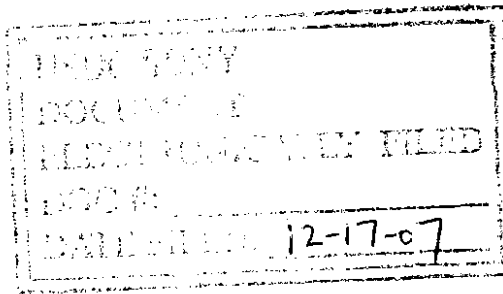
Larry H. Krantz
Marjorie L. Bertran

Sylvia L. Serpe
Wendy F. Gerstmann
Special Counsel

David V. Kirby
Lisa Solomon
Of Counsel

Writer's E-mail

sserpe@krantzberman.com



MEMO ENDORSE

December 14, 2007

BY HAND

Hon. John F. Keenan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1930
New York, New York 10007

Re: U.S.A. v. Lutchman, 07-CR-382 (JFK)

Dear Judge Keenan:

I represent defendant Lancelot Paul Lutchman in the above-referenced matter. Mr. Lutchman is currently scheduled to be sentenced on January 9, 2008. I write respectfully to request a one month extension of the sentencing date. The sentencing date was adjourned once before based on a request from the Probation Office. This is defendant's first request for an extension (although the original sentencing date took into consideration my anticipated maternity leave¹).

I request an extension for the following reasons: We received the presentence report ("PSR") on Tuesday night, December 11, after business hours. Our objections to the report are currently due the day after Christmas.² Pursuant to Rule 32 (e)(3) of the Rules of Criminal Procedure, defendant is entitled to at least 35 days between receipt of the PSR and the sentencing. Thus, at a minimum, the sentencing should be postponed until sometime after January 15, 2008. Additionally, we are requesting a one month extension because Dr. Kay Jackson, who we retained to provide a psychological evaluation of Mr. Lutchman is on an unexpected leave of absence as of this week. She has been treating Mr. Lutchman for over one year. She is committed to providing the Court with a report prior to Mr. Lutchman's sentencing but she has been unable to finalize her report given her unexpected leave of absence. Additionally, the Probation Office referred Mr. Lutchman to Dr. N.G. Berrill for a mental health assessment. Dr. Berrill's conclusions are summarized in the PSR. I have asked the Probation Office to provide me with a copy of Dr. Berrill's report so that I can share it with Dr. Jackson. I

¹ Although I originally projected that I would return from maternity leave in November, I am not going to return until January.

² I do not have child care during the week of Christmas and will be out-of-state the entire week.


should receive that report today. Dr. Jackson has agreed to review Dr. Berrill's report and draft her final evaluation for the Court during her leave of absence, but she has requested an additional month to do so. Finally, the Supreme Court recently issued two opinions regarding the Sentencing Guidelines that are probative to defendant's sentencing and require my careful analysis prior to objecting to the PSR.

Although I am currently on maternity leave, and I will not return to work until January 2, 2008, I have been working on this matter throughout my leave. I have worked with the Probation Officer to make sure that we have provided her with information on a timely basis. Nonetheless, I could not have anticipated that defendant's objections to the PSR would be due during the Christmas holidays, or that Dr. Jackson would be on an unexpected leave of absence. As it currently stands, I now have only one business week before the holidays to object to the PSR and to prepare my sentencing submission for the Court so that the Court has sufficient time to review it prior to January 9, the current sentencing date. Mr. Lutchman's sentencing proceeding (as with every defendant) is critical. Indeed, Mr. Lutchman is facing an advisory sentencing guideline range of 51 to 63 months. It would be terribly unfair to Mr. Lutchman for the Court to proceed with his sentencing without a fully developed record.

Moreover, there is no possible prejudice to the Government based on this brief adjournment. The defendant is on strict home confinement with electronic monitoring, which will remain in place until his sentencing. Accordingly, defendant requests that his sentencing be adjourned to a date convenient to the Court, after February 9, 2008.

We apologize for burdening the Court with this letter request. We attempted to obtain the Government's consent but the AUSA assigned to this matter declined to consent. Accordingly, we had to turn to the Court to ensure that our client is sentenced in a manner that is fair and appropriate. Thank you for your consideration of this request.

Respectfully,



Silvia L. Serpe

cc: AUSA Steve Kwok (by facsimile, 212.637.2527)
Senior U.S. Probation Officer Michelle Greer Bambrick (by facsimile,
212.805.0047)

*Sentence is set for February 20 2008
at 9:30 AM. This is the final adjournment.*
So ordered
December 17, 2007
John F. Keenan
2nd S. D.J.